

REMARKS

Claims 2-11 and 21 are pending in this application. By this Amendment, the specification and claims 2-5 are amended, claim 21 is added, and claims 1 and 12-20 are cancelled without prejudice to or disclaimer of the subject matter contained therein. No new matter is added. Support for the features added to claim 3 can be at least found in paragraph [0148] and Fig. 13 of the original specification. Support for the features recited in new claim 21 can be at least found in paragraphs [0090] and [0157] - [0159] of the original specification. Reconsideration of the application is respectfully requested.

The specification is objected to. The specification is amended, as suggested by the Examiner, to recite the issued patent number of the parent application (i.e., U.S. Patent No. 6,758,640). It is respectfully requested that the rejection be withdrawn.

Claim 4 is objected to for reciting "while" instead of "and". Claim 4 is amended responsive to the objection. It is respectfully requested that the objection be withdrawn.

Claims 2-6 are rejected under the judicially created doctrine of double patenting over claims 1, 11, and 28 of U.S. Patent No. 6,758,640. A Terminal Disclaimer is filed herewith, thereby eliminating the grounds of this rejection. It is respectfully requested that the rejection be withdrawn.

Claim 2 is rejected under 35 U.S.C. §102(b) over JP-63-382843 (JP'843). The rejection is respectfully traversed for at least the following reasons.

Page 5 of the office Action states that the override controller 4 of JP'843 constitutes the checking device, as recited in claim 2. Applicants respectfully disagree. As stated on page 5 of the Office Action and in the "PURPOSE" section of the Abstract of JP'843, the override controller 4 of JP'843 instigates an override to protect a tool from breakdown when the tool and a workpiece do not contact each other.

Claim 2 recites a checking device that checks if a contact detecting device is in a normal condition. For at least these reasons, Applicants submit that JP'843 fails to disclose or suggest the combination of features recited in claim 2, including, *inter alia*, a checking device that checks if a contact detecting device for detecting contact of the cutting blade and the object is in a normal condition in which the contact detecting device detects the contact when the cutting blade and the object are brought into contact with each other, and a contact determining device that determines that the cutting blade and the object have been brought into contact with each other, in accordance with an output provided by the contact detecting device.

For at least these reasons, Applicants submit that JP'843 fails to disclose or suggest all the features of claim 2. It is respectfully requested that the rejection be withdrawn.

Claims 3-6 are rejected under 35 U.S.C. §102(b) over JP-8-141804 (JP'804). The rejection is respectfully traversed for at least the following reasons.

Applicants respectfully submit that JP'804 fails to disclose or suggest all the features recited in amended independent claim 3 including, *inter alia*, a step of preparing an on-off circuit as the electric circuit, where the on-off circuit including at least the cutting blade, the object and a power source, and the cutting blade, and the object and the power source are arranged in series to each other; a step of bringing the cutting blade and the object into contact with each other, while a conductive layer having an electrical conductivity is provided in at least one of a space between the cutting blade and the blade holding member, and a space between the cutting blade and the object; and a step of detecting contact and separation of the cutting blade with and from the object, based on a change of a state of the on-off circuit, wherein the state of the on-off circuit depends upon whether the cutting blade is in contact with the object or is separated from the object, the blade holding member is included

in the on-off circuit, and the blade holding member, the cutting blade, the object and the power source are arranged in series to each other.

JP'804 discloses a method of checking whether an amount of wear of a cutting blade 12 exceeds a threshold amount by checking a value of the current flowing in a circuit (paragraph [0017]). Further, in the device disclosed in JP'804, as shown in FIG. 4 and described in paragraphs [0022] and [0023], an insulating layer 16 is interposed between the workpiece 3 and a second conductive layer 15, which covers the body 12 of the cutting tool 4. Further, with the device disclosed in JP'804 it is not possible to detect the of the cutting tool 4 with the workpiece 3 until the second conductive layer 15 does not even contact the workpiece 3 until the insulating layer 16 is worn and the second conductive layer 15 is exposed.

For at least these reasons, Applicants respectfully submit that JP'804 fails to disclose or suggest all the features of claim 3, as well as all the features of claims 4-6 and 21, which depend from claim 3. It is respectfully requested that the rejection be withdrawn.

Further to the February 4, 2005 Response to the Restriction and Election of Species Requirement, Applicants submit that claim 2 is generic to all the species of Group I, which includes claims 1-11. Thus, upon the allowance of generic claim 2, Applicants respectfully request rejoinder and allowance of claims 7-11.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of all pending claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Attachment:
Terminal Disclaimer

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